

EXHIBIT A



Brett M. Freeman

Attorney-at-Law

606 Hamlin Highway, Suite 2

Lake Ariel, PA 18436

(570) 589-0010

June 7, 2024

LVNV Funding, LLC
355 S Main Street, Suite 300-D
Greenville, SC 29601

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**RE: Antonio Bennett v. LVNV Funding, LLC
Monroe County Court of Common Pleas
Docket No. 2971-CV-2024**

Dear Sir or Madam:

Enclosed please find a time-stamped complaint in the above-referenced matter. Please ensure that all evidence relevant to this matter is preserved. If you have any questions about what evidence would be relevant, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Brett Freeman', written over a horizontal line.

Brett Freeman

Antonio Bennett
1426 Clover Road
Long Pond, PA 18334

Plaintiff

v.

LVNV Funding, LLC
355 S Main Street, Suite 300-D
Greenville, SC 29601

Defendant

IN THE MONROE COUNTY
COURT OF COMMON PLEAS

Civil Action

No. 2971 CV 2024

Jury Trial Demanded

Monroe County PA Prothonotary
MAY 2 '24 PM3:29

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff(s). You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

MONROE COUNTY BAR ASSOCIATION
FIND A LAWYER PROGRAM
913 MAIN STREET
STROUDSBURG, PENNSYLVANIA 18360
Telephone (570) 424-7288
Fax (570) 424-8234

Antonio Bennett,
Plaintiff

v.

LVNV Funding, LLC,
Defendant

IN THE MONROE COUNTY
COURT OF COMMON PLEAS

Docket No.

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter “the Act”). Defendant unfairly required Plaintiff to attend a hearing when Defendant did not even show up for the hearing.

II. JURISDICTION AND VENUE

2. Jurisdiction of this Court is proper pursuant to 15 U.S.C. § 1692k(d), which permits an action under the Act to be brought in any court of competent jurisdiction.

3. Venue in this Court is proper in that Plaintiff resides here, the conduct complained of occurred here, and Defendant transacts business here.

III. PARTIES

4. Plaintiff is a natural person residing at 1426 Clover Road, Long Pond, PA, 18334.

5. Plaintiff is, and at all relevant times was, a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. LVNV Funding, LLC is an entity with an address of 355 S Main Street, Suite 300-D, Greenville, SC 29601.

7. The principal purpose of Defendant’s business is the collection of debts.

8. Defendant has reason to believe that a non-trivial portion of the accounts that it collects are for obligations for which the money, property, insurance or services which were the subjects of the transactions were primarily for personal, family, or household purposes.

9. Defendant has reason to believe that it is probably true that the principal purpose of its business is the collection of “debt” as that term is defined by 15 U.S.C. § 1692a(5).

10. Defendant regularly attempts to collect debts asserted to be due to another. The term “debt” is used in this allegation as that term is defined by 15 U.S.C. § 1692a(5).

11. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

12. The foregoing paragraphs are incorporated herein by reference.

13. Congress enacted the Act to prevent real harm. Congress found that “abusive debt collection practices [we]re carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce.” 15 U.S.C. § 1692(d).

14. In order to help achieve this goal, the Act prohibits a debt collector from using unfair or unconscionable means to collect or attempt to collect a debt. 15 U.S.C. § 1692f.

15. Within the past year LVNV Funding, LLC (“LVNV”) was attempting to collect from Plaintiff an account that Plaintiff allegedly owed to it (“the Account”).

16. The Account is a “debt” as that term is defined by the Act, 15 U.S.C. § 1692a(5).

17. LVNV claims it purchased the Account from an unrelated third-party.

18. While attempting to collect the Account, LVNV was acting as a “debt collector” defined by the Act, 15 U.S.C. § 1692A(6).

19. On April 24, 2023, LVNV filed a lawsuit (“the Collection Lawsuit”) against Plaintiff in Magisterial District Court.

20. Pursuant to the Magisterial District Court rules, Plaintiff provided notice of his intention to defend against the Collection Lawsuit, and a notice of Plaintiff's intention to defend was then sent to LVNV by the Magisterial District Court.

21. LVNV received notice that Plaintiff intended to defend the Collection Lawsuit.

22. On June 15, 2023, Plaintiff, through counsel, attended the hearing for the Collection Lawsuit.

23. However, even though it was put on notice that Plaintiff intended to attend and present a defense at the hearing, LVNV did not show up at the hearing.

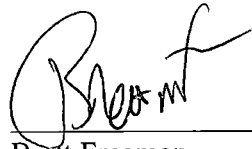
24. As a result, the Magisterial District Court entered judgment in favor of Plaintiff.

25. By requiring Plaintiff to appear at a hearing that LVNV knew it would not be attending, LVNV engaged in unfair litigation conduct in violation of 15 U.S.C. § 1692f. See *Arias v. Gutman, Mintz, Baker & Sonnenfeldt LLP*, 875 F.3d 128 (2d Cir. Nov. 14, 2017) and *Destro v. Tsarouhis Law Group, LLC, et al.*, 2019 WL 1327365 (M.D. Pa. March 25, 2019).

WHEREFORE, Plaintiff demands judgment against Defendant for statutory damages of no more than \$1,000.00, costs, attorney's fees, and such other and further relief as deemed just and proper.

V. DEMAND FOR JURY TRIAL

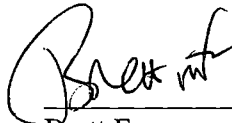
26. Plaintiff demands a trial by jury as to all issues so triable.



Brett Freeman
Bar Number: PA 308834
Freeman Law
606 Hamlin Highway, Suite 2
Lake Ariel, PA 18436
Attorney for Plaintiff
Phone (570) 589-0010

CERTIFICATION OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.



Brett Freeman
Bar Number: PA 308834
Freeman Law
606 Hamlin Highway, Suite 2
Lake Ariel, PA 18436
Attorney for Plaintiff
Phone (570) 589-0010

Verification of Complaint and Certification by Plaintiff

Plaintiff, Antonio Bennett, being duly sworn according to law, deposes as follows:

1. I am a plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass the Defendant, cause unnecessary delay to the Defendant, or create a needless increase in the cost of litigation to the Defendant, named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04 / 30 / 2024



Antonio Bennett, Plaintiff



Audit trail

Title	Bennett v LVNV - Complaint.pdf
File name	Bennett%20v%20LVNV%20-%20Complaint.pdf
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(handyman.aandb@gmail.com) from shannon@freeman.law
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SIGNED

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13:47:40 UTC

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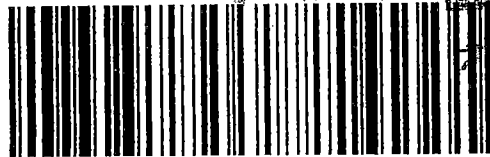
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FREEMAN LAW
606 Hamlin Highway, Suite 2
Lake Ariel, PA 18436



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LVNV Funding, LLC
355 S Main Street, Suite 300-D
Greenville, SC 29601

29601-326375

